

File No.: Z-9583

Owners: Tract 1: RBA Broadway Partners, LLC
Tract 2: Spring Street Holdings, LLC

Applicant: Stephen R. Giles

Address: Southeast Corner of Broadway Street and 7th Street
Tract 1: 701 Broadway Street
Tract 2: 403 W 7th Street

Legal Description: Tract 1: Lot 1, 2, and 3 Block 107, of the original City of Little Rock, Pulaski County, Arkansas
Tract 2: Lot 10, 11, and 12 Block 107, of the original City of Little Rock, Pulaski County, Arkansas

Zoned: UU Urban Use District

Present Use: Tract 1: Restaurant with drive-through service (Vacant) / Surface Parking
Tract 2: Commercial / Restaurant / Surfacing Parking

Proposed Use: Drive-Thru Restaurant

Variance(s) Requested: The drive-thru provisions of Sec. 36-342.1 to allow a new drive-through facility that is visible and takes direct access from the primary streets.
The landscape provisions of Sec. 36-342.1 to eliminate the required street trees.
The building orientation provisions of Sec. 36-342.1 to allow a building without orientation to the primary street.
The street-level floor provisions orientation provisions of Sec. 36-342.1 to allow the ground level floor of a structure without the minimum surface area of 60% transparent or window display.
The sign provisions of Sec. 36-342.1 to allow a ground mounted sign.

The provisions of use regulations of Sec. 36-342.1 to allow the number of seats in an outdoor seating area to exceed 50% of the seats within the eating place.

The sign provisions of Sec. 36-557 to allow a on-premise sign without street frontage.

Justification: The applicant's justification is presented as per the attached letter dated March 23, 2021.

STAFF REPORT

A. Planning and Development Civil Engineering Comments:

1. At time of building permit, a 20 feet radial dedication of right-of-way is required at the intersection of Broadway St. and W. 7th St.
2. At time of building permit, repair or replace any curb, gutter, sidewalk and access ramps that are damaged and not in compliance with ADA recommendations in the public right-of-way prior to occupancy.
3. At time of building permit, obtain permits for improvements within State Highway right-of-way from AHTD, District VI.
4. A franchise agreement must be approved by the Little Rock Board of Directors for the use of the public alley prior to issuance of a building permit.
5. At time of building permit, street Improvement plans shall include signage and striping. Public Works must approve completed plans prior to construction.
6. Prior to building permit, submit a Traffic Impact Study for the proposed project. Study should address trip generation, trip distribution, and queuing lengths for the development and also should take into account existing and projected traffic growth.
7. Damage to public and private property due to hauling operations or operation of construction related equipment from a nearby construction site shall be repaired by the responsible party prior to issuance of a certificate of occupancy.

B. Buffering and Landscape Comments:

1. Site plan must comply with the Little Rock Zoning Ordinance, Sec. 36-342.1. UU Urban Use District and the City's minimal landscape and buffer ordinance requirements.
2. Signage is to be reviewed and permitted separately.
3. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property or the right-of-way of any street. This strip shall be at least

4. nine (9) feet wide. The property is located in the City's designated mature area. A twenty-five (25%) percent reduction of the buffer requirements is acceptable. The minimum dimension of the perimeter planting strip shall be six (6) feet nine (9) inches. One (1) tree and three (3) shrubs or vines shall be planted for every thirty (30) linear feet of perimeter planting strip.
5. Screening requirements will need to be met for the vehicular use areas adjacent to street rights-of-way. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet.
6. For parking areas with twelve or more spaces eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces.
7. Building landscape areas shall be provided between the vehicular use area used for public parking and the general vicinity of the building. These shall be provided at the rate equivalent to planter strip three (3) feet wide along the vehicular use area. One (1) tree and four (4) shrubs shall be planted in the building landscape areas for each forty (40) linear feet of vehicular use area abutting the building.
8. An irrigation system shall be required for developments of one (1) acre or larger. For developments of less than one (1) acre there shall be a water source within seventy-five (75) feet of all plant material if an automatic irrigation system is not provided.
9. All landscape areas shall be protected as per City of Little Rock Landscape Ordinance (Sec. 15-100). Provide notes on plan specifying type and location of mulch, edging, wheel stops, and/or concrete curb and gutter.
10. All ground or roof mounted mechanical systems shall be screened from abutting properties and streets. Any trash receptacles or pickup shall be oriented away from a primary street side of the property and screened from the public right-of-way. Screen shall exceed the height of the dumpster or trash containment areas by at least two (2) feet no to exceed eight (8) feet total height.
11. The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance requirements can be given when preserving trees of six (6) inch caliper or larger.
12. Any Chapter 15, landscape code requirements that cannot be met may require a variance from the City Beautiful Commission.

C. Building Codes Comments:

No Comments

D. Staff Analysis:

Chick-fil-A is proposing to construct a new restaurant on the Urban Use (UU) zoned property located at the southeast corner of Broadway and W. 7th Streets.

The applicant has stated that the property will be developed with a two-lane drive-thru and order pick up windows. Traffic will ingress and egress from a modified Broadway curb cut and a second location from the current Spring Street drive curb. There will be no indoor dining, but outdoor dining and a service window will be provided for the restaurant.

The proposed development consists of two separate tracts of land. The first tract is the site of a vacant former McDonalds restaurant on the corner of Broadway and W. 7th Streets. Surface parking is located south and east of the building.

The second tract of land is located on the southwest corner of Spring and W. 7th Streets. This parcel is occupied by single commercial building built to the north, east and west, property lines. Surface parking is located south of the building. The west property line is adjacent to a platted alley that divides the two tracts.

The applicants are requesting several variances from the UU district development criteria established in Section 36-342.1 (c). The variances are as follow:

1. Section 36-342.1. (c)(3) *[Drive-in or drive-through facilities.]* states, "No new drive-in or drive-through facilities may be visible or take directed access from a primary street." (Broadway and Spring Streets). Drive-through facilities will be located on the northside of the building adjacent to W. 7th Street and will be visible from both 7th and Broadway Streets.
2. Section 36-342.1 (c)(5)(b) *Landscaping*. B. states, "Street trees a minimum of three-inch caliper shall be required... The trees shall be located a minimum of two (2) feet off the back of a curb and shall be thirty (30) feet on center and no closer than thirty (30) feet to a street intersection with a water source provided..." Broadway is a state/US Highway and the right-of-way is controlled by ARDOT. There are utilities on both 7th and Spring Streets which may prohibit the planting of street trees. The applicant is requesting that the requirement for street trees be eliminated adjacent to the proposed development.
3. Section 36-342.1 (c)(7) *Building orientation*, states, "Buildings must be oriented to the street. The primary entrance of the building shall be at street level on the street at the sidewalk. Entrances shall be designed so that the door will not swing beyond the property line." The building will not include indoor dinning or ordering. Drive-through service will be located adjacent to 7th Street and pedestrian traffic will order at widows facing Broadway separated by a drive aisle.

4. Section 342.1 (c)(8) *Street-level floor*, states, “The ground-level (street fronting) floor of nonresidential structures shall have a minimum surface area of sixty (60) percent transparent or window display.” Transparency requirements are requested to be less than 60% due interior public spaces not being provided.
5. Section 36-342.1(c)(11) *Signs*, states, Ground-mounted signs are discouraged and may only be permitted as a variance as per division 2 of this chapter. If permitted the sign must adhere to the size requirements of Sec. 36-555 – Signs permitted in commercial zones. Applicant is requesting a variance to allow for a ground mounted sign.
6. Section 36-342.1(d) *Use Regulations*, (1) a. 2. states, “The number of seats in the area of outdoor seating shall not exceed fifty (50) percent of the number of seats within the eating place,” The applicant is requesting outdoor seating to be allowed to exceed 50% interior requirement due to the elimination of the interior dining area.
7. Section 36-557 (a) *Special provisions for on-premises signs and other sale promotion devices.*, states, “All on-premises wall signs must face required street frontage...” The applicant is requesting an additional sign that will face the adjacent south property. This sign will be visible to traffic traveling north on Broadway.

The applicant is attempting to develop a vehicular oriented restaurant and feels the UU requirements would not be favorable to this business and has noted that the requested variances have been granted to other drive-thru restaurants in the area.

Staff believes that each of the requested variances is appropriate.

E. Staff Recommendation:

Staff recommends approval of the requested variances, subject to compliance with the Public Works and Landscape comments outlined in paragraphs A & B of the staff report.